

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

COMMON CAUSE GEORGIA, as an)	
organization,)	
)	
Plaintiff,)	
)	Civil Action
v.)	
)	File No. 1:18-CV-05102-AT
BRIAN KEMP, in his official capacity as)	
Secretary of State of Georgia,)	
)	
Defendant.)	

NOTICE OF FILING OF DECLARATION OF CHRIS HARVEY

COMES NOW Defendant Brian Kemp and hereby files the attached Declaration of Chris Harvey in support of Defendant's Brief in Opposition to Plaintiff's Motion for a Temporary Restraining Order and Expedited Discovery.

This 8th day of November, 2018.

/s/ Josh Belinfante
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L.R. 7.1(D) CERTIFICATION

I certify that this Notice has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Notice has been prepared using 14-pt Times New Roman Font.

/s/ Josh Belinfante

Josh Belinfante

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

COMMON CAUSE GEORGIA,)	
as an organization,)	CIVIL ACTION FILE
)	
Plaintiff,)	NO. 1:18-CV-05102-AT
)	
v.)	
)	
BRIAN KEMP, in his official)	
capacity as Secretary of State of)	
Georgia,)	
)	
Defendant.)	

DECLARATION OF CHRIS HARVEY

Pursuant to 28 U.S.C. § 1746, CHRIS HARVEY, Elections Director in the office of the Secretary of State for the State of Georgia, declares as follows:

1. I make this Declaration in support of a response by Secretary of State Brian Kemp to a motion for a temporary restraining order in the above-styled matter of *Common Cause Georgia, v. Brian Kemp* (Civil Action No. 1:18-cv-05102-AT).

2. I have been the State of Georgia's Elections Director since July 2015. From August 2007 to July 2015, I was the Chief Investigator and Deputy Inspector General for the Secretary of State's office, investigating, amongst

other things, potential violation of state election law. For over a decade, I have acquired first-hand knowledge of Georgia's election processes at both the state and county level.

3. As soon as provisional ballots are submitted, county boards of registration begin the process of reviewing provisional ballots, examining information provided on documents with provisional ballots, and make a good faith effort to determine if the person was entitled to vote in the election. O.C.G.A. § 21-2-419(b).

4. County registrars have to make the determination on whether to count the provisional ballot no later than three days after the election. O.C.G.A. § 21-2-419(c)(1). UOCAVA ballots that are postmarked by election day must be returned by the same deadline to be counted. O.C.G.A. § 21-2-386(a)(1)(G).

5. If the county registrars determine the provisional ballots should be counted, they communicate that determination to the election superintendent who includes the vote in the election returns to be certified. O.C.G.A. § 21-2-419(c)(1).

6. County registrars also notify the election superintendent of provisional ballots that should not be counted because the person who submitted the provisional ballot was not timely registered and not eligible to vote in the election. O.C.G.A. § 21-2-419(c)(3).

7. What resources county registrars use to determine whether to count provisional ballots depends on the reason the provisional ballot was necessary. The primary resource for most reasons for rejection is Georgia's voter registration system ("ENET"). Registrars can also use other resources such as paper voter registration applications and supplement documents from paper voter files. Registrars sometimes use external resources like Department of Driver's Services records and those records are accessible to registrars.

8. In no circumstance would county registrars use Georgia's My Voter Page ("MVP") to assist in the provisional ballot counting process. MVP is merely a website to provide information to voters.

9. ENET is separate and not connected to Georgia's electronic poll books or DRE voting machines. Several days before an election, a voter registration list is extracted from ENET and loaded onto memory cards. These memory cards are hand-delivered to county election offices and inserted into electronic poll books for election day voter check-in operations. After the election, the memory cards are removed from the electronic poll books and hand-delivered to the Secretary of State's office. The memory cards are uploaded into ENET so that voter participation will be reflected in voters' ENET records.

10. On November 7, 2018, I requested all of the counties report to me how many provisional ballots were submitted to them in the November 6 2018

General Election. They reported that 21,190 provisional ballots were submitted throughout the state. I have prepared a report of provisional ballots from 2014, 2016, and 2018 and attached that report as Exhibit A to this Declaration.

11. Once all provisional and UOCAVA ballots have been reviewed and a determination made whether they should count or not, the results are presented to the county superintendent for certification.

12. The county superintendent then certifies the returns, no later than by the Monday following the election, and immediately transmits the returns to the Secretary of State. O.C.G.A. § 21-2-493(k). *See also* O.C.G.A. § 21-2-497(a)(4). This year, since Monday, November 12, 2018 is a federal holiday, the deadline for certification is Tuesday, November 13, 2018.

13. Timely certification is critically important because a number of other processes cannot happen until counties certify their election results. The Secretary of State cannot certify results until all of the counties certify first. Election challenges and recount requests also require the county superintendent's to certify first. *See* O.C.G.A. §§ 21-2-495(c) and 21-2-524(a). Finally, with any potential run-off election set by law for 28 days after the election, certified results are needed in order for ballots and voting machine databases to be built for any run-off. O.C.G.A. § 21-2-501(a).

14. Early voting begins as soon as possible prior to a runoff from a general election. O.C.G.A. § 21-2-385(d)(1). Any delay in certification, even a day, will have a direct impact on the number of early voting days provided for a runoff.

15. As of the signing of this declaration, the difference between the top two candidates for Governor is 62,710 votes. Even if every provisional ballot was counted for the candidate in second place, which is highly unlikely, it would not change whom the winner is and would not force a runoff for this office. The winning candidate would still have a majority of the votes cast.

I declare under penalty of perjury that the foregoing is true and correct to the best of my ability.

Executed this 08 day of November, 2018



CHRIS HARVEY
*Elections Director, in the office of the
Secretary of State for the State of
Georgia*

EXHIBIT A

	2018 Provisional Ballots	2016 Provisional Ballots	2014 Provisional Ballots
APPLING COUNTY	13	3	4
ATKINSON COUNTY	2	7	9
BACON COUNTY	11	19	4
BAKER COUNTY	10	14	9
BALDWIN COUNTY	16	22	10
BANKS COUNTY	4	5	1
BARROW COUNTY	9	1	9
BARTOW COUNTY	86	91	74
BEN HILL COUNTY	50	36	3
BERRIEN COUNTY	10	50	11
BIBB COUNTY	419	354	112
BLECKLEY COUNTY	5	12	5
BRANTLEY COUNTY	29	9	6
BROOKS COUNTY	69	87	31
BRYAN COUNTY	24	13	6
BULLOCH COUNTY	224	130	19
BURKE COUNTY	6	2	0
BUTTS COUNTY	0	4	0
CALHOUN COUNTY	0	1	4
CAMDEN COUNTY	11	48	9
CANDLER COUNTY	3	15	9
CARROLL COUNTY	291	319	96
CATOOSA COUNTY	40	24	16
CHARLTON COUNTY	13	13	5
CHATHAM COUNTY	329	224	100
CHATTAHOOCHEE COUNTY	34	6	2
CHATTOOGA COUNTY	34	24	7
CHEROKEE COUNTY	144	45	64
CLARKE COUNTY	198	239	186
CLAY COUNTY	2	4	1
CLAYTON COUNTY	888	433	139
CLINCH COUNTY	5	7	2
COBB COUNTY	2202	1565	1656
COFFEE COUNTY	10	21	7
COLQUITT COUNTY	17	21	6
COLUMBIA COUNTY	89	53	14
COOK COUNTY	0	2	1
COWETA COUNTY	38	27	20
CRAWFORD COUNTY	3	11	8
CRISP COUNTY	35	27	6
DADE COUNTY	13	5	13
DAWSON COUNTY	11	26	18

DECATUR COUNTY	188	129	10
DEKALB COUNTY	3008	1159	1002
DODGE COUNTY	8	3	0
DOOLY COUNTY	6	25	1
DOUGHERTY COUNTY	355	419	106
DOUGLAS COUNTY	145	84	47
EARLY COUNTY	4	1	3
ECHOLS COUNTY	0	0	0
EFFINGHAM COUNTY	8	13	17
ELBERT COUNTY	79	80	14
EMANUEL COUNTY	15	38	6
EVANS COUNTY	2	0	1
FANNIN COUNTY	23	24	8
FAYETTE COUNTY	81	85	31
FLOYD COUNTY	200	200	119
FORSYTH COUNTY	90	207	83
FRANKLIN COUNTY	3	1	2
FULTON COUNTY	3670	2528	3573
GILMER COUNTY	39	15	16
GLASCOCK COUNTY	2	0	0
GLYNN COUNTY	183	163	56
GORDON COUNTY	127	104	44
GRADY COUNTY	20	33	9
GREENE COUNTY	15	30	24
GWINNETT COUNTY	2427	2347	1702
HABERSHAM COUNTY	9	14	50
HALL COUNTY	370	136	71
HANCOCK COUNTY	14	14	20
HARALSON COUNTY	4	21	5
HARRIS COUNTY	47	34	33
HART COUNTY	14	6	0
HEARD COUNTY	8	2	1
HENRY COUNTY	339	446	136
HOUSTON COUNTY	150	301	89
IRWIN COUNTY	22	26	3
JACKSON COUNTY	59	68	44
JASPER COUNTY	62	6	2
JEFF DAVIS COUNTY	0	2	1
JEFFERSON COUNTY	45	58	26
JENKINS COUNTY	26	38	3
JOHNSON COUNTY	0	0	1
JONES COUNTY	16	3	8
LAMAR COUNTY	64	48	14
LANIER COUNTY	5	9	4

LAURENS COUNTY	41	9	15
LEE COUNTY	19	13	11
LIBERTY COUNTY	10	34	6
LINCOLN COUNTY	4	5	15
LONG COUNTY	10	26	12
LOWNDES COUNTY	1174	1387	746
LUMPKIN COUNTY	47	41	30
MACON COUNTY	0	0	0
MADISON COUNTY	4	8	7
MARION COUNTY	0	2	0
MCDUFFIE COUNTY	3	0	11
MCINTOSH COUNTY	3	15	12
MERIWETHER COUNTY	26	8	2
MILLER COUNTY	23	8	1
MITCHELL COUNTY	18	21	7
MONROE COUNTY	10	18	23
MONTGOMERY COUNTY	0	0	0
MORGAN COUNTY	14	7	9
MURRAY COUNTY	0	0	0
MUSCOGEE COUNTY	352	364	169
NEWTON COUNTY	16	12	3
OCONEE COUNTY	23	25	14
OGLETHORPE COUNTY	2	8	9
PAULDING COUNTY	105	49	44
PEACH COUNTY	90	9	14
PICKENS COUNTY	1	3	1
PIERCE COUNTY	1	1	0
PIKE COUNTY	13	8	9
POLK COUNTY	4	11	5
PULASKI COUNTY	0	8	2
PUTNAM COUNTY	18	17	9
QUITMAN COUNTY	1	4	1
RABUN COUNTY	0	4	2
RANDOLPH COUNTY	2	2	7
RICHMOND COUNTY	272	252	108
ROCKDALE COUNTY	140	149	132
SCHLEY COUNTY	4	1	4
SCREVEN COUNTY	16	9	12
SEMINOLE COUNTY	36	18	17
SPALDING COUNTY	47	31	40
STEPHENS COUNTY	39	17	4
STEWART COUNTY	40	5	18
SUMTER COUNTY	0	1	5
TALBOT COUNTY	4	0	2

TALIAFERRO COUNTY	6	1	1
TATTNALL COUNTY	18	14	13
TAYLOR COUNTY	30	5	0
TELFAIR COUNTY	2	1	3
TERRELL COUNTY	1	2	2
THOMAS COUNTY	7	9	2
TIFT COUNTY	14	42	101
TOOMBS COUNTY	13	2	11
TOWNS COUNTY	9	19	83
TREUTLEN COUNTY	4	18	7
TROUP COUNTY	685	667	112
TURNER COUNTY	11	14	9
TWIGGS COUNTY	6	6	1
UNION COUNTY	2	13	4
UPSON COUNTY	20	11	6
WALKER COUNTY	71	21	0
WALTON COUNTY	106	70	24
WARE COUNTY	14	14	1
WARREN COUNTY	4	3	3
WASHINGTON COUNTY	16	26	9
WAYNE COUNTY	15	17	2
WEBSTER COUNTY	8	12	3
WHEELER COUNTY	5	16	14
WHITE COUNTY	40	52	16
WHITFIELD COUNTY	70	86	64
WILCOX COUNTY	0	1	7
WILKES COUNTY	11	16	4
WILKINSON COUNTY	1	4	7
WORTH COUNTY	20	28	17
Total Provisional Ballots	21,190	16,739	12,151
Active Registered Voters	6,428,581	5,443,046	5,047,420
Ballots Cast	3,930,890	4,165,405	2,596,947
Turnout	61.1%	76.5%	51.5%
Provisional Ballots Compared to Ballots Cast	0.54%	0.40%	0.47%

CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the within and foregoing
NOTICE OF FILING OF DECLARATION OF CHRIS HARVEY with the
Clerk of Court using the CM/ECF system, which automatically sent counsel of
record e-mail notification of such filing.

This 8^h day of November, 2018.

/s/Josh Belinfante